IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Letters Patent Appeal No. 146 of 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. Sameer Sohoni, Advocate for the appellants.
Mr. Vaidya, Advocate for the Respondent sole.

CORAM : A.H. JOSHI AND
R.C.CHAVAN,JJ.

DATE : 24th July, 2007.

Heard.

This is a simple case of ejectment upon termination of lease.

The act of termination through the notice is not capable of a challenge on the ground of any technicality. The decree under challenge, therefore, does not call for any interference.

Letters Patent Appeal is, therefore, dismissed.

Judge Judge

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR.

Civil Application No. 5047 of 2007
IN
Letters Patent Appeal No. 146 of 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. Sameer Sohoni, Advocate for the appellants.
Mr. Vaidya, Advocate for the Respondent sole.

CORAM : A.H. JOSHI AND
R.C.CHAVAN,JJ.

DATE : 24th July, 2007.

1. Heard.

2. Perused the reasons assigned in the application. The reasons are convincing. Though there is a dispute as to time frame, however, in order to avoid multiplicity, this Court is satisfied that ten months' time can be granted for eviction by staying the Judgment and Decree under appeal, on condition of certain payment which shall be

to the tune of Rs.25,000-00 [rupees twenty-five thousand only] per month. Mode of appropriation

thereof can also be directed.

3. The amount of Rs.25,000-00 [rupees twenty-five thousand only] towards monthly payment is fixed by the Court as a fetter to avoid unnecessary delay in ejectment and the Executing Court enquiring into the mesne profit should not get influenced by this figure, and shall decide said enquiry on its own merits and objectively as per claim which the decree holder shall prove etc.

4. Hence the following order :-

[a] The Appellants shall file an Undertaking in this Court that the premises shall be vacated, in any case, on or before 31st May, 2008, without any grudge or demur or need of demand, or filing of execution for that purpose.

[b] During the period of ten months ending by 31st May, 2008, the payment at the rate of Rs. 25,000-00 [rupees twenty-five thousand only] per month be made directly to the landlord, subject to order Clause [c] hereinafter.

[c] The amount so paid shall be adjusted and appropriated depending upon the order that may be passed in the proceedings of enquiry of mesne profit.

[d] Civil Application is disposed of in above terms.

Judge Judge

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